

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

FILED
UNITED STATES DISTRICT COURT
DISTRICT OF NEW MEXICO
01 FEB 23 PM 3:15

UNITED STATES OF AMERICA,

Plaintiff,

v.

CIV No. 98-1359 JP/LFG

PAUL K. BYERS,

Defendant,

and CANONCITO BAND OF NAVAJO INDIANS,

Intervenor-Defendant..

PLAINTIFF'S PROPOSED SUPPLEMENTAL CONCLUSION OF LAW

The plaintiff United States of America, by and through its undersigned attorneys, proposes the following supplemental conclusion of law in this matter:

19. The rights of the United States in the public lands cannot be lost by mere acquiescence or delay on the part of the government in asserting its rights. United States v. California, 332 U.S. 19, 39-40 (1947) Sweeten v. U.S.D.A., 684 F.2d 679, 682 (10th Cir. 1982).

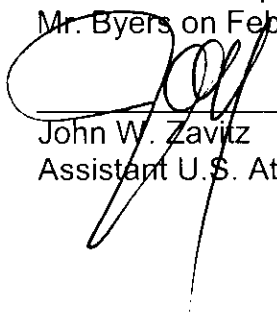
Respectfully,

NORMAN D. BAY
United States Attorney

JOHN W. ZAVITZ
Assistant U.S. Attorney
P.O. Box 607
Albuquerque, NM 87103
(505) 346-7274
Attorney for Plaintiffs

76

I HEREBY CERTIFY that a true
copy of the foregoing pleading
was mailed to opposing counsel and
Mr. Byers on February 23, 2001.



John W. Zavitz
Assistant U.S. Attorney